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DE RUEH KI #0819/01 2751607
ZNR UUUUU ZZH
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FM AMEMBASSY KINSHASA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8515
INFO RUEHXR/RWANDA COLLECTIVE
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RHMFISS/HQ USEUCOM VAIHINGEN GE
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UNCLAS SECTION 01 OF 04 KINSHASA 000819

SIPDIS

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SUBJECT: Text of September 23 CNDP
letter to SRSR Alan Doss

REF: Kinshasa 780

¶1. The National Congress for the Defense of the People (Congres National pour la Defense du Peuple -- CNDP), the insurgent group in North Kivu led by Tutsi General Laurent Nkunda, issued a letter September 23 addressed to Alan Doss, head of the UN Mission in the Congo (MONUC) and the UN Secretary General's Special Representative to the Congo. An unofficial English translation of the letter is at para. 2. The original text in French is at para. 3. (Note: This letter, like the most recent CNDP missive - reftel - bears Nkunda's signature. All recent CNDP letters, however, bear an identical signature and seal, suggesting that the Nkunda may not have signed them. End note.)

¶2. Following is unofficial English translation of September 23 CNDP letter.

Begin unofficial translation:

Bwiza, 18 September 2008

Information copies sent to:

The President of the Democratic Republic of Congo;
The Prime Minister of the Democratic Republic of Congo;
The President of the United Nations Security Council, New York;
The Secretary General of the United Nations, New York;
The President of the Commission of the African Union, Addis Ababa;
The special envoy of the European Union to the Great Lakes, Brussels;
Rev. Father Apollinaire Malumalu, AMANI National Program Coordinator, Kinshasa;
Monuc Coordinator for the East of the DRC, Goma;
MONUC head of office, Goma.

To Ambassador Alan Doss,
Special Representative of the Secretary General of the United Nations in the DRC, Kinshasa.

RE: V/ 21 September, 2008 letter

Mr. Ambassador,

(1) We would first like to thank you most sincerely for the diligence with which, unlike in the past, you have responded to our letter of 18 September. This tends to demonstrate, at least we believe so, that the International Facilitator in general and MONUC in particular are finally beginning to consider our observations with less condescension. This is an excellent step forward; we hope that this will continue.

(2) If, however, you have started to hear us, we do not yet feel that you are prepared to understand us. We have no intention of

arguing about the responsibilities of one or another party for the current deadlock in the peace process: we have sufficiently exposed them in the past. But we will still note that if at some point the CNDP was absent from the work of the Joint Technical Commission, this was a form of protest against the Government's procrastination in honoring its commitments. In addition, you cannot have forgotten that the Government resumed hostilities on the very next day after the return of CNDP to the Commission, because this return jeopardized the government's plan to restore by force the authority of the state in the territories under the control of our Movement.

(3) You seem to oppose to us the legitimacy of the government in power in Kinshasa to justify maintaining the National Amani Program as the only framework for continuing the peace process. You are free to consider that our country has a legitimate Government that you must respect. We understand this, considering that you have contributed greatly to its emergence. We will not force you to reverse yourself. But allow us the freedom to think you are wrong to support a state power discredited by its collaboration with a proven genocidal foreign militia that loots, rapes, displaces and kills Congolese people en masse, while you have compelling evidence of this collaboration. And give us the latitude to decry a Government that oppresses us, because if we have decided to fight, it is because it understands no arguments other than striking ones, both literally and figuratively.

(4) We agree that legitimacy proceeds from democratic, free and transparent elections. However, with regard to the election of the current Head of State, having observed it closely on the ground, the CNDP was never convinced that it fulfilled the conditions mentioned above. Nevertheless, the CNDP had noted the endorsement of the

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announced result and had agreed to give it the benefit of the doubt. However, it is not enough to be elected. One also has to prove oneself: by good governance and democratic practices. The elected government must also fulfill its political and moral contract with its citizens to improve their well-being and promote their development. The current misery of the Congolese people shows that the contract has entered a process of failure.

(5) In having consistently used the services of the genocidal FDLR/ex-FAR/Interahamwe since becoming the designated or elected Head of State, the President of the Republic, Joseph Kabila Kabange, has deliberately failed in his duty to protect the Congolese people. He has always known that this foreign militia mistreats his people with impunity. He knows perfectly well that because of this foreign militia hundreds of thousands of our compatriots are kept in forced exile, and others in camps for internally displaced persons. He knows, as you and we know, that its presence makes any inter-ethnic reconciliation and peaceful coexistence between all Congolese impossible, that it makes any integration of the army unthinkable, including by brassage, as long as the FDLR are to be integrated into FARDC, and that it is antithetic to any righteous, free, and sovereign governance, because by this presence, our national sovereignty is violated and the soil of our country defiled. It is absolutely incredible that our compatriots have to such an extent lost their capacity to feel outraged, to feel scandalized, and that the International Community, via its Facilitation, finds it normal to continue to encourage such an attitude.

(6) All this to say that as far as we are concerned, the Government is free to continue without the CNDP the implementation of a "National AMANI Program" which has completely failed and anyway was designed and imposed unilaterally by the Government. The only text which was negotiated by the CNDP, which bears its signature and was therefore binding upon it, is the Goma Acte d'engagement. But having violated it constantly, particularly by depriving it of its means of action and by avoiding the major obligations it established, the Government has rendered it obsolete. It is vital to conclude another agreement in a framework of new dimensions, and in a location that reassures both protagonists in the crisis, namely the Government and the CNDP.

(7) Unlike in the Peace and Security Joint Technical Commission, the CNDP will no longer accept that the Government preside over the new

framework proceedings. Negotiations must henceforth take place under the leadership of the Facilitation or of a new Mediator chosen by mutual consent. It is in this manner that the issue of disengagement can be handled between the warring parties, since it concerns them primarily, before being the concern of third parties. In this new context, the proposal prepared by MONUC can be used as a working document. For, indeed, it is with the FARDC and its allies that the CNDP will disengage, not with MONUC. However, we remain open to any constructive dialogue in the interest of peace for our people.

(8) Yours, etc.
For the Political Bureau, Chairman
Laurent Nkunda Mihigo
Brigadier General

End unofficial English translation

13. Begin text of CNDP statement in original French

BWIZA, LE 23 SEPTEMBRE 2008
TRANSMIS COPIE POUR INFORMATION A:
SON EXCELLENCE MONSIEUR LE PRESIDENT DE LA REPUBLIQUE A
KINSHASA/GOMBE;
SON EXCELLENCE MONSIEUR LE PREMIER MINISTRE A
KINSHASA/GOMBE;
SON EXCELLENCE MONSIEUR LE PRESIDENT DU CONSEIL DE SECURITE
DES NATIONS UNIES A NEW-YORK/MANHATTAN/USA;
SON EXCELLENCE MONSIEUR LE SECRETAIRE GENERAL DES NATIONS
UNIES A NEW-YORK/MANHATTAN/USA;
SON EXCELLENCE MONSIEUR LE PRESIDENT DE LA COMMISSION DE
L'UNION AFRICAINE A ADDIS-ABEBA/ETHIOPIE;
SON EXCELLENCE MONSIEUR L'ENVOYE SPECIAL DE L'UNION
EUROPEENNE DANS LES GRANDS-LACS A BRUXELLES/BELGIQUE;
MONSIEUR L'ABBE APOLLINAIRE MALU MALU, COORDONNATEUR DU
PROGRAMME NATIONAL AMANI A KINSHASA/GOMBE;
MONSIEUR LE COORDONNATEUR DES ACTIVITES DE LA MONUC A L'EST
DE LA RDC A GOMA;
MADAME LA CHEF DE BUREAU DE LA MONUC A GOMA;
A SON EXCELLENCE MONSIEUR L'AMBASSADEUR ALAN DOSS
REPRESENTANT SPECIAL DU SECRETAIRE GENERAL DES NATIONS
UNIES EN RDC A KINSHASA/GOMBE

OBJET: V/LETTRE DU 21 SEPTEMBRE 2008

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EXCELLENCE MONSIEUR L'AMBASSADEUR

(1) NOUS VOUDRIONS COMMENCER PAR VOUS REMERCIER TRES SINCEREMENT DE LA DILIGENCE AVEC LAQUELLE, CONTRAIREMENT AU PASSE, VOUS AVEZ TENU A FAIRE SUITE A NOTRE LETTRE DU 18 SEPTEMBRE DERNIER. CECI TEND A DEMONTRER, NOUS LE CROYONS DU MOINS, QU'ENFIN LA FACILITATION INTERNATIONALE EN GENERAL ET LA MONUC EN PARTICULIER COMMENCENT A CONSIDERER NOS OBSERVATIONS AVEC MOINS DE CONDESCENDANCE. C'EST UNE EXCELLENTE AVANCEE, NOUS OSONS ESPERER QUE CELA VA CONTINUER.

(2) CEPENDANT, SI VOUS AVEZ COMMENCE A NOUS ENTENDRE, NOUS N'AVONS PAS L'IMPRESSION QUE VOUS SOYEZ DEJA DISPOSES A NOUS COMPRENDRE. NOUS N'AVONS PAS L'INTENTION DE POLEMIQUER SUR LES RESPONSABILITES DES UNS ET DES AUTRES DANS LE BLOCAGE ACTUEL DU PROCESSUS DE PAIX, NOUS LES AVONS SUFFISAMMENT ETALEES DANS LE PASSE. MAIS NOUS FERONS TOUT DE MEME REMARQUER QUE SI, A UN MOMENT DONNE LE CNDP A ETE ABSENT DES TRAVAUX DE LA COMMISSION TECHNIQUE MIXTE, C'ETAIT UNE FORME DE PROTESTATION CONTRE LES ATERMOIEMENTS DU GOUVERNEMENT A HONORER LES ENGAGEMENTS PRIS. PAR AILLEURS, VOUS N'AVEZ TOUT DE MEME PAS OUBLIE QUE LE GOUVERNEMENT A REPRIS LES HOSTILITES LE LENDEMAIN MEME DU RETOUR DU CNDP A LA COMMISSION. PARCE QUE CE RETOUR COMPROMETTAIT SON PLAN DE RETABLIR PAR LA FORCE L'AUTORITE DE L'ETAT DANS LES TERRITOIRES SOUS CONTROLE DE NOTRE MOUVEMENT.

(3) VOUS SEMBLEZ NOUS OPPOSER LA LEGITIMITE DU POUVOIR EN PLACE A KINSHASA POUR JUSTIFIER LE MAINTIEN DU PROGRAMME NATIONAL AMANI COMME SEUL CADRE DE POURSUITE DU PROCESSUS DE PAIX. LIBRE A VOUS DE CONSIDERER QUE NOTRE PAYS A UN GOUVERNEMENT LEGITIME QUE VOUS VOUS DEVEZ DE RESPECTER. NOUS LE COMPRENONS DANS LA MESURE OU VOUS AVEZ CONTRIBUE FORTEMENT A LE FAIRE EMERGER. NOUS NE VOUS FORCERONS PAS A

VOUS DEDIRE. MAIS, LAISSEZ-NOUS LA LIBERTE DE PENSER QUE VOUS AVEZ TORT DE SOUTENIR UN POUVOIR D'ETAT DECONSIDERE PAR SA COLLABORATION AVEREE AVEC UNE MILICE GENOCIDAIRE ETRANGERE QUI PILLE, VIOLE, DEPLACE ET TUE EN MASSE DES CONGOLAIS, ALORS QUE VOUS AVEZ DES PREUVES IRRÉFUTABLES DE CETTE COLLABORATION. MAIS, LAISSEZ-NOUS LA LATITUDE DE DECRIRE UN GOUVERNEMENT QUI NOUS OPPRIME, PARCE QUE SI NOUS AVONS ENTREPRIS DE LE COMBATTRE, C'EST QU'IL N'ENTEND PAS D'AUTRES ARGUMENTS QUE LES ARGUMENTS FRAPPANTS, AU PROPRE COMME AU FIGURE.

(4) NOUS SOMMES D'ACCORD QUE LA LEGITIMITE PROCEDE DE L'ELECTION DEMOCRATIQUE, LIBRE ET TRANSPARENTE. POURTANT, EN CE QUI CONCERNE CELLE DE L'ACTUEL CHEF DE L'ETAT ET POUR L'AVOIR OBSERVEE DE TRES PRES SUR TERRAIN, LE CNDP N'A JAMAIS ETE CONVAINCU QU'ELLE AIT REMPLI LES CONDITIONS PRECITEES. MAIS, IL AVAIT PRIS ACTE DE CE QUE LE RESULTAT PROCLAME A ETE ENTERINE ET IL AVAIT ACCEPTE DE LUI ACCORDER LE BENEFICE DU DOUTE. POUR AUTANT, IL NE SUFFIT PAS D'ETRE ELU. ENCORE FAUT-IL FAIRE SES PREUVES : CELLES DE LA BONNE GOUVERNANCE ET DE LA PRATIQUE DEMOCRATIQUE. ENCORE FAUT-IL QUE L'ELU REMPLISSE LE CONTRAT MORAL ET POLITIQUE PASSE AVEC SES CONCITOYENS POUR AMELIORER LEUR BIEN-ETRE ET PROMOUVOIR LEUR DEVELOPPEMENT. LA MISERE ACTUELLE DU PEUPLE CONGOLAIS PROUVE QUE CE CONTRAT EST ENTRE DANS UN PROCESSUS DE RUPTURE.

(5) POUR AVOIR CONSTAMMENT EU RECOURS AUX SERVICES DES GENOCIDAIRES FDLR/EX-FAR/INTERAHAMWE DEPUIS QU'IL EST CHEF DE L'ETAT DESIGNÉ OU ELU, LE PRESIDENT DE LA REPUBLIQUE, JOSEPH KABILA KABANGE A DELIBEREMENT MANQUE A SON DEVOIR SACRE DE PROTEGER LE PEUPLE CONGOLAIS. IL SAIT DEPUIS TOUJOURS QUE CETTE MILICE ETRANGERE MALTRAITE IMPUNEMENT SON PEUPLE. IL SAIT PARFAITEMENT BIEN QU'A CAUSE D'ELLE, DES CENTAINES DE MILLIERS DE NOS COMPATRIOTES SONT MAINTENUS EN EXIL FORCE ET D'AUTRES DANS DES CAMPS DES DEPLACES INTERNES. IL SAIT, COMME VOUS ET NOUS, QUE SA PRESENCE REND IMPOSSIBLE TOUTE RECONCILIATION INTERETHNIQUE ET TOUTE COHABITATION PACIFIQUE ENTRE CONGOLAIS, QU'ELLE REND IMPENSABLE TOUTE INTEGRATION DE L'ARMEE, NOTAMMENT PAR LE BIAIS DU BRASSAGE, TANT QUE LES FDLR SERONT INTEGREES AU SEIN DES FARDC, ET QU'ELLE EST ANTINOMIQUE DE TOUTE GOUVERNANCE DIGNE, LIBRE, SOUVERAINE, PARCE QUE PAR ELLE, LA SOUVERAINETE NATIONALE EST BAFOUEE ET LE SOL DE NOTRE PAYS SOUILLE. C'EST QUAND MEME INCROYABLE QUE NOS COMPATRIOTES AIENT PERDU A CE POINT LA CAPACITE DE S'INDIGNER, DE SE SCANDALISER ET QUE LA COMMUNAUTE INTERNATIONALE, PAR LE BIAIS DE SA FACILITATION, TROUVE NORMAL DE CONTINUER A LES ENCOURAGER DANS UNE TELLE ATTITUDE.

(6) TOUT CECI POUR VOUS DIRE QU'EN CE QUI NOUS CONCERNE, LE GOUVERNEMENT EST LIBRE DE POURSUIVRE, SANS LE CNDP, LA MISE EN QUVRE D'UN "PROGRAMME NATIONAL AMANI" QUI A TOTALEMENT ECHOUE ET QUI, DE TOUTE MANIERE, A ETE CONGU ET IMPOSE PAR LUI, UNILATERALEMENT. LE SEUL TEXTE QUI A ETE NEGOCIE PAR LE CNDP, QUI PORTE SA SIGNATURE ET QUI, PAR CONSEQUENT, LE LIAIT EST L'ACTE D'ENGAGEMENT DE GOMA. MAIS, POUR L'AVOIR VIOLE DE FAGON CONSTANTE, NOTAMMENT EN LE PRIVANT DE SES MOYENS D'ACTION ET EN S'EXONERANT DES OBLIGATIONS MAJEURES QU'IL COMPORTAIT, LE GOUVERNEMENT L'A RENDU CADUC. IL EST INDISPENSABLE D'EN CONCLURE UN AUTRE DANS UN CADRE REDIMENSIONNE ET DANS UN LIEU QUI RASSURENT LES DEUX PROTAGONISTES DE LA CRISE, A SAVOIR LE

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GOUVERNEMENT ET LE CNDP.

(7) CONTRAIREMENT A LA COMMISSION TECHNIQUE MIXTE PAIX ET SECURITE, LE CNDP N'ACCEPTE PLUS QUE LE GOUVERNEMENT PRESIDE LES TRAVAUX DU NOUVEAU CADRE. LA NEGOCIATION DEVRA DESORMAIS SE DEROULER SOUS LA HOULETTE DE LA FACILITATION OU ALORS D'UN NOUVEAU MEDiateUR CONVENU DE COMMUN ACCORD. C'EST A CETTE OCCASION QUE LA QUESTION DU DESENGAGEMENT POURRA ETRE TRAITEE ENTRE LES PARTIES BELLIGERANTES, PUISQU'ELLE LES CONCERNE AU PREMIER CHEF, AVANT DE CONCERNER DES TIERS. DANS CE NOUVEAU CADRE, LA PROPOSITION PREPAREE PAR LA MONUC POURRA ETRE EXPLOITEE COMME DOCUMENT DE TRAVAIL. CAR, EN EFFET, C'EST AVEC LES FARDC ET ALLIEES QUE LE CNDP VA SE DESENGAGER ET NON PAS AVEC LA MONUC. NOUS RESTONS CEPENDANT OUVERTS A TOUTE CONCERTATION CONSTRUCTIVE DANS L'INTERET DE LA PAIX POUR NOTRE PEUPLE.

(8) VEUILLEZ AGREER, EXCELLENCE MONSIEUR L'AMBASSADEUR, L'EXPRESSION DE MA PARFAITE CONSIDERATION. POUR LA DIRECTION POLITIQUE, LE CHAIRMAN

LAURENT NKUNDA MIHIGO
GEN. DE BRIGADE

End original French text of CNDP statement

BROCK